

DRAFT Columbus Zoning Code Update (3/18/09)

ARTICLE XVI. NOISE

CHAPTER 3384

Airport Land Use Management District (ALUMD)

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3384.01 Purpose.

The Airport Land Use Management District (ALUMD) is hereby established to protect the public health, safety and welfare by regulating development and land use within airport environs and airport hazard areas; to ensure compatibility between Port Columbus International Airport, Rickenbacker International Airport, Bolton Field Airport, the Ohio State University Airport (a/k/a Don Scott Field), and any future airport and surrounding land uses; and to protect said airports from incompatible encroachment.

Airport hazards within the ALUMD are hereby declared a public nuisance.

Within the boundaries of the ALUMD and its three subdistricts airport standards and requirements shall apply to each property in addition to the standards and requirements of the underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

3384.02 Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein.

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the masculine gender include the feminine and neuter. Definitions contained in Chapter 3303, C.C. and not in conflict, shall apply.

3384.021 Airport.

“Airport” means any airfield located wholly or partially within the corporate limits of the city, owned and operated by the city or other governmental agency, and subject to DNL contours approved by the Federal Aviation Administration, presently including, but in the future may not be limited to, Port Columbus International Airport, Rickenbacker International Airport, Bolton Field Airport, and Ohio State University Airport (a/k/a Don Scott Field).

3384.022 Airport environs.

“Airport environs” means the geographic area that is affected by the airport air traffic operations and is defined on the basis of those areas immediately impacted by the most recently charted noise exposure contours and greater noise exposure areas based upon the

Land Use Compatibility Guidelines approved by the Federal Aviation Administration (FAA). These areas constitute the ALUMD established in this chapter.

3384.023 Airport hazard.

“Airport hazard” means any building, structure, object of natural growth, or use of land within an airport hazard area which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off of aircraft.

3384.024 Airport hazard area.

“Airport hazard area” means any area of land adjacent to an airport which has been declared to be an “airport hazard area” by its operating authority in connection with any airport approach plan recommended by such authority.

3384.025 Day-night sound level (DNL).

“Day-night sound level” (DNL) means a cumulative aircraft noise index which estimates the exposure of an area to aircraft noise and relates the estimated exposure to an expected community response. The day-night sound level noise metric assess a ten decibel (10 dB) penalty to all noise events occurring between 10:00 pm and 7:00 am.

3384.026 DNL contour.

“DNL contour” means a line linking together a series of points of equal cumulative noise exposure based on the DNL metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

3384.027 Operating authority.

“Operating authority” means the person, board, commission or agency responsible for management of an airport such as, but not limited to, the Columbus Regional Airport Authority or The Ohio State University Board of Trustees.

3384.028 Structure.

“Structure” means a combination of materials to form a construction for occupancy or use as set out in C.C. 3303.86 and in addition means any object, whether permanent or

temporary, including, but not limited to, tower, crane, smokestack, earth formation, transmission line or flagpole, and includes a mobile or tethered object.

3384.03 Boundaries of Airport Land Use Management District (ALUMD).

The ALUMD shall contain all airports and any future airport as defined in this chapter and shall be indicated ALUMD on the zoning map.

The ALUMD is subdivided into three subdistricts which represent different levels of noise impact. The geographic locations of these subdistricts shall be indicated on the zoning map, and determined using the following criteria:

- (a) Subdistrict A, which shall include the area 1,000' to either side of each runway centerline and 5,000' off the ends of each runway,
- (b) Subdistrict B, which shall include the area 2,000' to either side of each runway centerline and 10,000' off the ends of each runway, and additional area sufficient to encompass the largest Federal Aviation Administration (FAA) approved 65 DNL noise contour and have an easily identifiable outer boundary made up of roadways, natural features, landmarks, and political boundaries,
- (c) Subdistrict C, which shall contain sufficient area to encompass the largest Federal Aviation Administration (FAA) approved 60 DNL noise contour and have an easily identifiable outer boundary made up of roadways, natural features, landmarks, and political boundaries.

The boundaries of the ALUMD and its subdistricts, as adopted herein, shall be reviewed and amended as appropriate, including in the event of a major operations or use change at an airport. The area and configuration of Subdistricts A and B may also be reduced from the above criteria for airports designated as general aviation or reliever airports.

Copies of the ALUMD and FAR Part 150 Noise Compatibility Study shall be on file and open to public inspection in the administrative offices of Port Columbus International Airport, Rickenbacker International Airport, Bolton Field Airport, Ohio State University Airport, and any future airport as defined in this chapter. Copies of the ALUMD also shall be on file and open to public inspection in the city's development regulation division.

3384.04 Application.

Within the Airport Land Use Management District (ALUMD), any proposed building, structure or use shall be subject to review and evaluation relative to the standards and requirements set forth herein.

3384.05 Exemptions.

The provisions of this chapter shall not be deemed applicable to the following uses within the Airport Land Use Management District (ALUMD) when permitted in the underlying district:

- a) Existing Use: A use existing on the effective date of this chapter shall not be required to change in order to comply with these regulations. The nonconforming use requirements of this Zoning Code shall apply to the future applicability of the standards and requirements contained herein.
- b) Temporary Structure: Temporary building or structure that is not used for residential purposes and which meets applicable requirements as contained within this zoning code, so long as it is constructed incidental to a permitted use, as per the requirements of this code.
- c) Agricultural Structure: Bona fide agricultural building, structure, improvement, or associated non-residential development.
- d) Accessory Use or Structure: Accessory use or structure incidental to a permitted principal structure or use and within the intent, purpose, or objectives of these regulations.

3384.06 Temporary Use.

Any temporary use such as, but not limited to, a public celebration or outdoor entertainment event, shall require a temporary use permit as provided in Chapter 3390. The application shall be submitted to the operating authority of the appropriate airport for review and recommendation no less than two weeks prior to issuance of the permit. Any permit issued shall be for a period of operation not to exceed five (5) days. Only one extension may be granted for a temporary use.

3384.07 Development Standards.

The following development standards shall apply to all proposed uses and structures within the Airport Land Use Management District (ALUMD).

- a) Proposed Uses: Table 1, Land Use Compatibility Standards, contained herein identifies development standards that apply to proposed uses within the ALUMD. Any proposed use shall comply with these standards.
- b) Interior Day-Night Average Noise Level (DNL): Any proposed building, structure or use shall comply with the Noise Level Reduction (NLR) standards in Chapter 4191, C.C. Compliance with NLR requirements shall be evidenced

prior to completion of a routed agency approval or issuance of a Certificate of Occupancy.

3384.08 Avigation easement.

The applicant for a variance, rezoning, change of use, special use permit, building permit, or other routed agency approval for property located in the ALUMD shall, at the request of the approving operating authority and, prior to receiving final approval of the application, convey to the operating authority of the appropriate airport an avigation easement recognizing the “right to fly” in the airspace above the subject property. Avigation easements also may be obtained for all other new uses. Such easement shall be supplied in a form prescribed by the Building Services Administrator in conjunction with the operating authority of the appropriate airport and shall be recorded in the appropriate County Recorder’s Office.

3384.09 Notice.

The Building Services Division shall provide a notice to an applicant for a development-related permit in the Airport Land Use Management District (ALUMD) that the property is located, either partially or wholly, within the ALUMD and may be subject to aircraft overflight.

3384.10 Development review.

The zoning compliance process for the City of Columbus shall apply to the Airport Land Use Management District (ALUMD) with the following additional review:

Airport Authority Staff Review: The Building Services Division shall provide a copy of any application requiring a routed agency approval within the ALUMD, including the development plan, within five (5) days of its submittal by the applicant, to the staff of the operating authority of the airport appropriate for the subject site. The Building Services Administrator shall provide at least fourteen (14) days for the airport staff to provide a written recommendation on the application, or the airport sponsor may defer review of a proposed application via notice to the Building Services Administrator.

3384.11 Development plan.

A development plan as identified herein shall be submitted with any application requiring a routed agency approval in addition to other submittal requirements therefore and said plan shall include at a minimum technical substantiation, maps, plans, drawings, and such other information as is necessary to show:

- a) Airport Land Use Management District (ALUMD) Map. Zoning district boundaries shall be superimposed on a site plan of the development site to indicate FAA-approved ALUMD boundaries for the subject property. All maps shall be drawn to a scale designated by the Building Services Administrator.
- b) Location of Structures. Location of all existing and proposed buildings and structures shall be identified on the ALUMD map.
- c) Specification of Uses. Uses to occur within each building, structure or activity area shall be specified on the ALUMD map.
- d) Narrative Description: A narrative shall be provided describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed development plan to the Columbus Comprehensive Plan and any applicable plan.

3384.12 Development review criteria.

The Development plan shall be reviewed and evaluated using, at a minimum, the following criteria:

- a) Proposed use. All elements of the proposed development shall be consistent with Table 1, Land Use Compatibility Standards.
- b) Siting. Buildings, structures and active outdoor recreational space shall be located on the greatest distance from the noise source, taking maximum advantage of existing topographical features to minimize noise impact, and within zoning district requirements, such as required setbacks. Buildings and structures shall be oriented to minimize exposure to the noise source and building openings, such as windows, shall be located away from the noise source.
- c) Design consideration regarding noise. The amount of passive outdoor recreational space where individuals would be subject to noticeable or severe levels of noise shall be minimized.

Table 1
LAND USE COMPATIBILITY STANDARDS
Airport Land Use Management District

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (DNL) IN DECIBELS

<u>Land Use</u>	<u>Subdistrict A</u>	<u>Subdistrict B</u>	<u>Subdistrict C</u>
Residential			
Residential other than mobile homes and transient lodgings	N	N	25*
Mobile Home Parks	N	N	Y
Transient Lodgings	N ¹	N ¹	25*
Public Use			
Schools	N	N	25*
Hospitals, Nursing Homes	N	N	25*
Churches, Auditoriums, and Concert Halls	N	N	25*
Government Services	Y ³	Y ²	Y
Transportation	Y ³	Y	Y
Parking	Y ³	Y	Y
Commercial Use			
Offices, business and professional	30	Y ²	Y
Wholesale and retail- building materials, Hardware and farm equipment	Y ³	Y	Y
Retail trade, general	30	Y ²	Y
Utilities	Y ³	Y	Y
Communication	30	Y	Y
Landfills	N	N	N
Manufacturing and Production			
Manufacturing, general	Y ³	Y	Y
Photographic and optical	30	Y	Y
Agriculture (except livestock) and forestry	Y ⁶	Y ⁵	Y
Livestock farming and breeding	N	Y ⁶	Y
Mining and fishing, resource production and extraction	Y	Y	Y
Recreational			
Outdoor sports arena and spectator sports	N	Y ⁴	Y
Outdoor music shells, amphitheaters	N	N	Y
Nature exhibits and zoos	N	N	Y
Amusements, parks, resorts and camp	N	Y	Y
Golf courses, riding stables and water recreation	30	Y	Y

Key to Table 1
LAND USE COMPATIBILITY STANDARDS- FAR PART 150
Port Columbus International Airport

- Y (Yes) Land Use and related structures are compatible without restrictions.
- N (No) Land Use and related structures are not compatible and should be prohibited.
- NLR Noise Level Reduction (outdoor to indoor) are to be achieved through incorporation of noise attenuation into the design and construction of the structure.
- 25, 30 Land use and related structures generally compatible; measures to achieve a NLR of 25 or 30dB must be incorporated into design and construction of structure.

Notes for Table 1

¹ Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25dB and 30dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20dB; thus, the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.

² Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is served, office areas, noise-sensitive areas, or where normal noise level is low.

³ Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is served, office areas, noise-sensitive areas, or where normal noise level is low.

⁴ Land use compatible provided special sound reinforcement systems are installed.

⁵ Residential buildings require a NLR of 25.

⁶ Residential buildings not permitted.

* Recommended, but not required

